

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7611

BILL NUMBER: SB 573

NOTE PREPARED: Feb 26, 2007

BILL AMENDED: Feb 20, 2007

SUBJECT: Seizure of Inmate Trust Funds.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It permits the Department of Correction to freeze all or a portion of an inmate's account while investigating whether an inmate has committed inmate fraud or while a criminal case involving inmate fraud is pending against the inmate.
- B. It requires the Department to return money in the inmate's account to the rightful owner if the inmate is convicted, and specifies that the money will be deposited in the Victim of Violent Crimes Compensation Fund if the rightful owner cannot be located.
- C. It provides that an inmate who, with the intent of obtaining money or property from the person, makes a misrepresentation to a person who is not an inmate commits inmate fraud, a Class C felony.

Effective Date: July 1, 2007.

Explanation of State Expenditures: (Revised) A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Since this new crime applies exclusively to persons who are confined to a prison, jail, or juvenile facility, this bill would extend the offender's length of stay in prison.

Assuming offenders can be continued to be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Seizing Illegally Obtained Funds* – Under current law, DOC can only seize

any illegally obtained funds that are in prisoners' accounts through criminal prosecution. As proposed, DOC would be able to take administrative measures to seize any monies.

If DOC discovers the identity of the person from whom the offender illegally obtained the money, DOC will return the money to the victim. If the person cannot be found, DOC will deposit the money in the Violent Crime Victims Compensation Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Tim Brown, Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.